

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
5th Legislative Day
Thursday, January 17, 2013

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Walden C. Chandler, First Baptist Church, St. George.

National Anthem by Anne Marsh, Bath.

Pledge of Allegiance.

Doctor of the day, Richard Fein, D.O., Manchester.

The Journal of Tuesday, January 15, 2013 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 18)

**SENATE OF MAINE
126TH LEGISLATURE
SENATE REPUBLICAN LEADER
AUGUSTA, MAINE 04333-0003**

December 7, 2012

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with the requirements of the Maine Constitution, I am pleased to inform you that I am appointing Senator Garrett Mason and Senator Andre E. Cushing III to serve on the newly-established 2013 Apportionment Commission.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any concerns or questions.

Sincerely,

S/Michael D. Thibodeau

Senate Republican Leader

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Expand the Number of Qualified Educators"

(H.P. 34) (L.D. 39)

Sponsored by Representative JOHNSON of Greenville.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Protect a Private Memorial Placed in a Public Right-of-way"

(H.P. 35) (L.D. 40)

Sponsored by Representative CHASE of Wells.

Cosponsored by Senator CUSHING of Penobscot and Representatives: BENNETT of Kennebunk, HARVELL of Farmington, PARRY of Arundel, SANDERSON of Chelsea, SIROCKI of Scarborough, Senator: FLOOD of Kennebec.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Ensure Equity in School Costs Borne by Municipalities within Consolidated School Units"

(H.P. 51) (L.D. 56)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Representatives: DUNPHY of Embden, NELSON of Falmouth, Senators: HILL of York, LANGLEY of Hancock.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Allow a Person 65 Years of Age or Older To Fish with Bait in any Inland Water"

(H.P. 36) (L.D. 41)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Representatives: CRAY of Palmyra, GIFFORD of Lincoln, HARLOW of Portland, KESCHL of Belgrade, MALABY of Hancock, McCLELLAN of Raymond, NELSON of Falmouth, TURNER of Burlington.

Bill "An Act To Prohibit the Use of Rubber Lures for Fishing"

(H.P. 37) (L.D. 42)

Sponsored by Representative DAVIS of Sangerville. (BY REQUEST)

Bill "An Act To Ban the Use of Nondegradable Hooks for Fishing"

(H.P. 38) (L.D. 43)

Sponsored by Representative DAVIS of Sangerville. (BY REQUEST) March 5, 2013

INSURANCE AND FINANCIAL SERVICES

Bill "An Act Regarding Pharmacy Provider Audits"

(H.P. 39) (L.D. 44)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: KUSIAK of Fairfield, McCABE of Skowhegan, NADEAU of Winslow, NUTTING of Oakland, Senator: WHITTEMORE of Somerset.

JUDICIARY

Bill "An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives"

(H.P. 40) (L.D. 45)

Sponsored by Representative WILLETTE of Mapleton.

Cosponsored by Senator JACKSON of Aroostook and Representatives: BEAR of the Houlton Band of Maliseet Indians, BERRY of Bowdoinham, MITCHELL of the Penobscot Nation, SAUCIER of Presque Isle, SOCTOMAH of the Passamaquoddy Tribe, THERIAULT of Madawaska.

Bill "An Act To Protect Maine Business Names"

(H.P. 41) (L.D. 46)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: GILBERT of Jay, LONGSTAFF of Waterville.

Bill "An Act To Retain the Position of Parent Coordinator in the Judicial Branch"

(H.P. 42) (L.D. 47)

Sponsored by Representative HAYES of Buckfield.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Streamline the Publication of Municipal Reports"

(H.P. 43) (L.D. 48)

Sponsored by Representative WALLACE of Dexter.

Cosponsored by Senator CUSHING of Penobscot and Representatives: DAVIS of Sangerville, JOHNSON of Eddington, LONG of Sherman.

Bill "An Act To Amend the Laws Governing Payment of Fees to Registers of Deeds"

(H.P. 44) (L.D. 49)

Sponsored by Representative STANLEY of Medway.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: GOODE of Bangor, SCHNECK of Bangor, TURNER of Burlington, Senator: COLLINS of York.

TAXATION

Bill "An Act To Exempt Fuel Used in Small Commercial Aircraft from Fuel Sales Tax"

(H.P. 45) (L.D. 50)

Sponsored by Representative JOHNSON of Greenville.

Bill "An Act To Promote Filmmaking in the State"

(H.P. 50) (L.D. 55)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representatives: BENNETT of Kennebunk, CHASE of Wells, CLARK of Easton, FREDETTE of Newport, PARRY of Arundel, SANDERSON of Chelsea, WILLETTE of Mapleton.

TRANSPORTATION

Bill "An Act To Allow Lifetime Disability Plates or Placards for Eligible Applicants with Lower Limb Loss"

(H.P. 46) (L.D. 51)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Representatives: CRAY of Palmyra, GIFFORD of Lincoln, HARLOW of Portland, KESCHL of Belgrade, MALABY of Hancock, McCLELLAN of Raymond, NELSON of Falmouth, TURNER of Burlington.

Bill "An Act To Improve the Safety of School Buses"

(H.P. 47) (L.D. 52)

Sponsored by Representative JOHNSON of Greenville.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Increase Voting Access"

(H.P. 48) (L.D. 53)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator PATRICK of Oxford and Representatives: LIBBY of Lewiston, POWERS of Naples, RUSSELL of Portland, Senator: LACHOWICZ of Kennebec.

Bill "An Act To Expand Access to Absentee Ballots"

(H.P. 49) (L.D. 54)

Sponsored by Representative LIBBY of Lewiston.

Cosponsored by Senator CLEVELAND of Androscoggin and Representative: WERTS of Auburn.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

Kathy Welch, of York, who has served with distinction for more than 30 years at Coastal Ridge Elementary School, on being named the 2012 School Counselor of the Year by the Maine School Counselor Association. We congratulate Ms. Welch on her receiving this honor and we send her our appreciation for her commitment to her profession and to the youth of Maine;

(HLS 25)

Presented by Representative McGOWAN of York.

Cosponsored by Senator HILL of York, Representative WEAVER of York.

On **OBJECTION** of Representative McGOWAN of York, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 23)

ORDERED, the House concurring, that when the House and Senate adjourn they do so until Tuesday, January 22, 2013, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 15, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council"

(H.P. 30) (L.D. 35)

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - January 15, 2013 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure"

(H.P. 20) (L.D. 16)

(Committee on **TRANSPORTATION** suggested)

TABLED - January 15, 2013 (Till Later Today) by Representative THERIAULT of Madawaska.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

SENATE PAPERS

Bill "An Act Relating to the Unlawful Cutting of Trees"

(S.P. 26) (L.D. 59)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Use of Eminent Domain

(S.P. 25) (L.D. 58)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Exempt Occupants of Antique Autos from Seat Belt Requirements" (EMERGENCY)

(S.P. 24) (L.D. 57)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

The following Joint Order: (S.P. 27)

WHEREAS, there are currently approximately 50,000 Maine residents who are unemployed, and many more than that who are underemployed; and

WHEREAS, Maine is lagging behind other states in economic growth and job creation; and

WHEREAS, it is essential that the Legislature work with the State's business community and its workforce, as well as with policy experts, to craft and implement solutions to strengthen the State's economy and grow the middle class; and

WHEREAS, the State's workforce, businesses and policy experts have determined that an exceptionally well-trained workforce is essential to job creation and economic growth; and

WHEREAS, Maine has numerous small businesses that are critical to the State's economic recovery and long-term prosperity; and

WHEREAS, Maine's downtown centers and Main Streets are economic assets and serve as centers of growth for the State's small businesses; and

WHEREAS, a prosperous Maine economy is one in which Maine workers are well-trained, businesses are innovating and growing and communities are thriving; and

WHEREAS, it is essential that the 126th Legislature focus on strengthening the workforce, growing small businesses and revitalizing our downtowns in order to grow our economy; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Maine's Workforce and Economic Future is established as follows.

1. Establishment. The Joint Select Committee on Maine's Workforce and Economic Future, referred to in this order as "the committee," is established.

2. Membership. The committee consists of 15 members of the Legislature: 5 members of the Senate appointed by the President of the Senate and 10 members of the House of Representatives appointed by the Speaker of the House of Representatives. The President of the Senate shall appoint no

more than 3 Senators from the party holding the largest number of seats in the Senate and no more than 2 Senators from the party holding the 2nd largest number of seats in the Senate. The Speaker of the House of Representatives shall appoint no more than 6 Representatives from the party holding the largest number of seats in the House of Representatives and no more than 4 Representatives from the party holding the 2nd largest number of seats in the House of Representatives. Nothing in this section precludes the appointment of a member who is not a member of the party holding the largest number of seats or the 2nd largest number of seats in the chamber. The first-named Senate and House members shall serve as cochair of the committee.

3. Authority. The committee shall hold public hearings and work sessions on any legislation referred to it and shall vote on and report out the legislation to the appropriate chamber in the manner prescribed in Joint Rule 310. In addition to reporting out legislation referred to it, the committee is authorized to submit legislation to the Senate concerning the State's workforce and economic future.

4. Meetings; staff assistance. The committee and any authorized subcommittees may meet on days and at locations jointly authorized by the President of the Senate and the Speaker of the House of Representatives. The Legislative Council shall provide staffing to the committee. The cochair of the committee may request technical assistance from appropriate sources whenever necessary. The committee shall report out all legislation referred to it in accordance with deadlines established by the President of the Senate and the Speaker of the House of Representatives.

5. Termination. Unless the committee is extended beyond July 1, 2013, the committee terminates on July 1, 2013.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

The following Joint Resolution: (S.P. 28)

JOINT RESOLUTION RECOGNIZING THE RELATIONSHIP BETWEEN THE STATE OF MAINE, THE UNITED STATES AND NEW ZEALAND AS EXEMPLIFIED BY THE MAINE HUTS AND TRAILS SYSTEM

WHEREAS, the Maori were New Zealand's first settlers, having made an epic journey from the legendary Hawaiki about 1,000 years ago. The great explorer Kupe, who legend says first discovered New Zealand, named the new land Aotearoa - Land of the Long White Cloud; and

WHEREAS, the Treaty of Waitangi, New Zealand's founding document establishing the country as a nation, was signed on February 6, 1840, between leading Maori chiefs and representatives of the British Crown at Waitangi, in the Bay of Islands. The anniversary of the signing of this treaty has become New Zealand's national day, known as Waitangi Day; and

WHEREAS, the United States is New Zealand's 2nd-largest trading partner after its neighbor Australia, and many of the products produced by New Zealand are used by Maine consumers and businesses; and

WHEREAS, New Zealand and Maine both enjoy strong outdoor recreation industries; and

WHEREAS, Maine Huts and Trails, a system of hiking trails and overnight cabins being developed from Bethel to Rockwood, was inspired in part by the Milford Track and similar trail systems in New Zealand; and

WHEREAS, in recognition of this special relationship, the New Zealand Ambassador to the United States, the Right Honourable Mike Moore, attended a dedication ceremony for Maine Huts and Trails; and

WHEREAS, citizens and officials from the State of Maine and the New Zealand Ambassador to the United States will celebrate the inauguration of President Barack Obama on January 20, 2013 at an event at the New Zealand Embassy; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize the strong relationship between the State of Maine, the United States and New Zealand as exemplified by Maine Huts and Trails and express our gratitude to the New Zealand Ambassador and the people of New Zealand for their hospitality and friendship.

Came from the Senate, **READ** and **ADOPTED**.

READ and **ADOPTED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative DILL of Old Town, the House adjourned at 11:30 a.m., until 10:00 a.m., Tuesday, January 22, 2013 pursuant to the Joint Order (S.P. 23).